

## Article - Environment

[\[Previous\]](#)[\[Next\]](#)

§5–502.

(a) Every person is required to obtain a permit from the Department to appropriate or use or begin to construct any plant, building, or structure which may appropriate or use any waters of the State, whether surface water or groundwater. The permit is obtained upon written application to the Department. The applicant shall provide the Department with satisfactory proof that the proposed withdrawal of water will not jeopardize the State's natural resources.

(b) This section does not apply to:

(1) Use of water for domestic purposes other than for heating and cooling;

(2) Use of water for agricultural purposes, if the average annual water use is less than 10,000 gallons per day, except as provided in subsection (c)(2) of this section;

(3) Use of tidal waters for oyster aquaculture purposes, if the water is returned to the same body of water from which it is appropriated; or

(4) Use of groundwater at an average annual water use of 5,000 gallons of water per day or less, provided that:

(i) 1. The use is not for a public water system that:

A. Serves at least 15 service connections used by year-round residents of the area served by the system; or

B. Regularly serves at least 25 year-round residents;  
or

2. The use will not occur within a water management strategy area established by the Department; and

(ii) The user files a notice of exemption with the Department at least 30 days before the use is proposed to begin.

(c) (1) The Department shall issue a permit to a person using water prior to July 1, 1988 for agricultural purposes upon written application to the Department.

(2) A person using less than an annual average of 10,000 gallons of water per day for agricultural purposes may apply for a permit to appropriate or use waters of the State.

(d) When the Department determines that a water supply emergency exists and available water supplies are inadequate in an area to meet the needs of all persons who have permits under this subtitle, the following uses shall have priority for appropriation or use of water in the order listed:

(1) Domestic and municipal uses for sanitation, drinking water, and public health and safety;

(2) Agricultural uses, including the processing of agricultural products; and

(3) All other uses.

(e) Notwithstanding any other provision of this subtitle, an application for a certificate of public convenience and necessity associated with power plant construction which involves use or diversion of waters of the State made to the Public Service Commission under the Public Utilities Article constitutes an application for the permit required by this section, and the provisions of § 3–306 of the Natural Resources Article apply. If an application is made to the Public Service Commission, the hearing provided for by this subtitle is not required. All evidence relevant to the purposes of this subtitle shall be presented at the hearing held by the Public Service Commission, as required by § 7–207 of the Public Utilities Article. The permit required by this subtitle is included in the certificate of public convenience and necessity issued by the Public Service Commission.

[\[Previous\]](#)[\[Next\]](#)